

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JIMMIE LEE RILEY,

Plaintiff,

Case No. 1:05-cv-269

v.

Hon. Wendell A. Miles

UNKNOWN KURTZ,

Defendant.

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ORDER

Consistent with the Opinion filed this day, Defendant Kurtz's Rule 12(b)(6) Motion for Dismissal or, Alternatively, Rule 56(b) Motion for Summary Judgment, (dkt. #12), is **granted**. Plaintiff's federal constitutional claims are **dismissed with prejudice**. Plaintiff's state law claims are **dismissed without prejudice**.

IT IS SO ORDERED.

Date: March 30, 2006

/s/ Wendell A. Miles
Wendell A. Miles
Senior U.S. District Judge